

BILL NO. Z-95-11-17

ZONING MAP ORDINANCE NO. Z-12-95

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. I-31.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an RA
(Residence "A") District under the terms of Chapter 157 Title XV of the Code of the City
of Fort Wayne, Indiana of 1974:

Part of the Northeast Quarter of Section 33, Township 30 North, Range 12 East,
Wayne Township, Allen County, Indiana, described as follows:

Beginning at the southwest corner of Lot Number 9, Bridgedale Terrace Addition,
Section "C", recorded in Plat Book 31, Page 3; thence North 89 degrees 53
minutes 45 seconds East (assumed bearing) 644.76 feet along the South line of
said Bridgedale Terrace Addition, Section "C" to the West line of Waynedale
Terrace Addition, recorded in Plat Book 11, page 94; thence South 00 degrees
05 minutes 15 seconds East, 557.84 feet along the West line of said Waynedale
Terrace Addition and the West line of Hindman's Addition, recorded in Plat Book
19, Page 124 to the South line of said Northeast Quarter; thence South 89
degrees 55 minutes 21 seconds West, 645.53 feet along said South line to the
East line of Bridgedale Terrace Addition, Section "D", recorded in Deed Record
42; pages 13 and 14; thence Northerly 557.05 feet, along said East line, to the
place of beginning, containing 8.26 acres, more or less.

TOGETHER WITH: Bridgedale Terrace Addition, Section "D", recorded in Plat
Book 42, pages 13 and 14.

Subject to rights-of-way and easements of record.

and the symbols of the City of Fort Wayne Zoning Map No. I-31, as established by
Section 157.016 of Title XV of the Code of the City of Fort Wayne, Indiana are hereby
changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after
its passage and approval by the Mayor.


Councilmember

APPROVED AS TO FORM AND LEGALITY:


J. TIMOTHY MCCAULEY, CITY ATTORNEY

Read the first time in full and on motion by Parne,
and duly adopted, read the second time by title and referred to the
Committee on Regulations (and the City Plan Commission
for recommendation) and Public Hearing to be held after due legal notice, at
the Common Council Council Conference Room 128, City-County Building, Fort
Wayne, Indiana, on _____, 19____, the _____ day of _____

M., E.S.T.

DATED: 11-14-95

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by _____,
and duly adopted, placed on its passage. PASSED LOST
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>8</u>			
BRADBURY	<u>✓</u>			
EDMONDS	<u>✓</u>			
GIAQUINTA	<u>✓</u>			
HENRY				<u>✓</u>
LONG	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE				
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 12-19-95

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) ~~(APPROPRIATION)~~ (GENERAL)
(SPECIAL) (ZONING) ORDINANCE ~~RESOLUTION~~ NO. 12-95
on the 19th day of December, 1995

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Don J. Schmitter
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 20th day of December, 1995,
at the hour of 3:00 o'clock P, M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 20th day of December,
1995, at the hour of 3:30 o'clock P, M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

BILL NO. Z-95-11-17

REPORT OF THE COMMITTEE ON
REGULATIONS
CLETUS R. EDMONDS - REBECCA J. RAVINE - CO-CHAIR
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of Fort
Wayne Zoning Map No. I-31

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

Sandra E. Kennedy

D. Schmitt

R. Bradbury

Mark E. Kennedy

Mark E. Kennedy

Mark E. Kennedy

Mark E. Kennedy

Cletus R. Edmonds

DATED: 12-19-95

Sandra E. Kennedy
City Clerk

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IN.,

10/19

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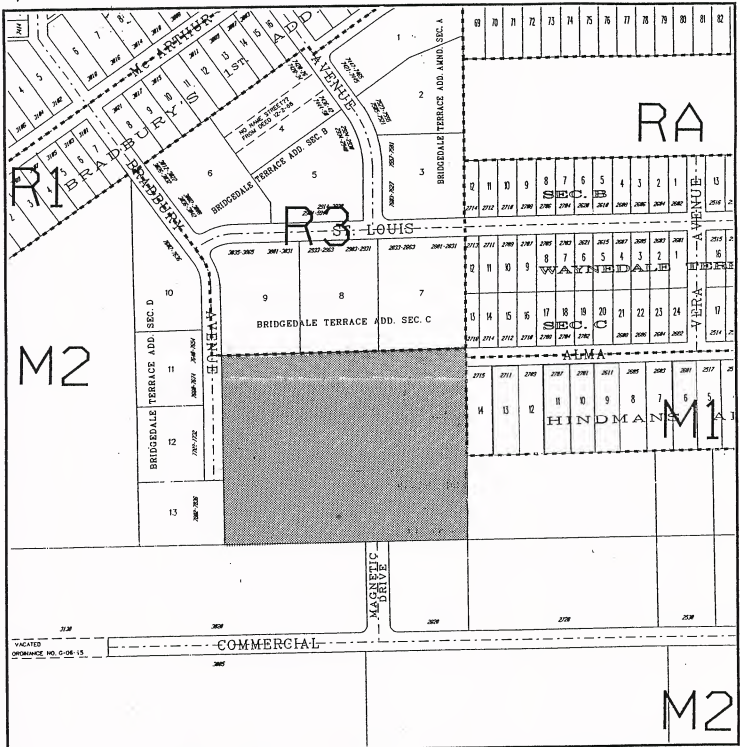
M.O.



REZONING PETITION

AREA MAP

CASE NO. #601



COUNCILMANIC DISTRICT NO. 4

Map No. 1 - 31
LW 10-22-95

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		



Petition for a Zoning Map Amendment

Community & Economic Development / 1 Main Street Rm 830 / Fort Wayne, IN 46802 / (219) 427-1140

#601
I/We Bernard A. Bridges do hereby petition to amend the Zoning Map of the City of Fort Wayne Indiana, by reclassifying from a/an M 2 designation to a/an R A designation, the property located at the common street address of: 7600 Bradbury and further described as follows:

SEE ATTACHED

(Please attach a legal description if more space is needed.)

The purpose of this proposed rezoning is to permit the use of the property for the following:

To better classify a property to apartment use

Property owners Name(s): Bernard A. Bridges

Street Address: 2901 St. Louis Avenue

City: Fort Wayne State: IN Zip: 46809 Phone: (219)-747-3520

Applicants Name (if different from above): _____

Street Address: _____

City: _____ State: _____ Zip: _____ Phone: _____

I/We the undersigned, do hereby certify that I am/We are the owner(s) of more than fifty percent (50%) of the property described in this petition; that I/we agree to abide by all provisions of the Fort Wayne Zoning Ordinance as well as all procedures and policies of the Fort Wayne City Plan Commission as relating to the handling and disposition of this petition; and that the above information is true and accurate to the best of my/our knowledge.

Signature	Printed Name	Date
<u>Bernard A. Bridges</u>		
Signature	Printed Name	Date
Signature	Printed Name	Date

Notes to the Applicant:

- If additional space is needed for either a legal description, or property owners names addresses and signatures, please attach same to this form.
- All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice being submitted to the newspaper for publication.
- Filing of this petition grants the City of Fort Wayne permission to post "Official Notice" on the petitioned property. Failure to post, or to maintain posting may prevent the public hearing from being held.
- All checks should be made payable to: City of Fort Wayne.

Name and address of preparer, attorney or agent.

Telephone Number

Form Rez494

Receipt #:

Date Filed:

Map #:

Reference #:

LEGAL DESCRIPTION: PART OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 30 NORTH, RANGE 12 EAST, WAYNE TOWNSHIP, ALLEN COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT NUMBER 9, BRIDGEDALE TERRACE ADDITION, SECTION "C", RECORDED IN PLAT BOOK 31, PAGE 3; THENCE NORTH 89 DEGREES 53 MINUTES 45 SECONDS EAST, (ASSUMED BEARING) 644.76 FEET ALONG THE SOUTH LINE OF SAID BRIDGEDALE TERRACE ADDITION, SECTION "C" TO THE WEST LINE OF WAYNE DALE TERRACE ADDITION, RECORDED IN PLAT BOOK 11, PAGE 94; THENCE SOUTH 00 DEGREES 05 MINUTES 15 SECONDS EAST, 557.84 FEET ALONG THE WEST LINE OF SAID WAYNE DALE TERRACE ADDITION AND THE WEST LINE OF HINDMAN'S ADDITION, RECORDED IN PLAT BOOK 19, PAGE 124 TO THE SOUTH LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 89 DEGREES 55 MINUTES 21 SECONDS WEST, 645.53 FEET ALONG SAID SOUTH LINE TO THE EAST LINE OF BRIDGEDALE TERRACE ADDITION, SECTION "D", RECORDED IN DEED RECORD 42, PAGES 13 AND 14; THENCE NORTHERLY 557.05 FEET, ALONG SAID EAST LINE, TO THE PLACE OF BEGINNING, CONTAINING 8.26 ACRES, MORE OR LESS.

TOGETHER WITH: BRIDGEDALE TERRACE ADDITION, SECTION "D", RECORDED IN PLAT BOOK 42, PAGES 13 AND 14.

SUBJECT TO: RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

Joseph B. Stoddy Jr.



10/17/95

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on November 14, 1995 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-95-11-17; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on November 20, 1995.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held November 27, 1995.

Certified and signed this
30th day of November 1995.



Carol Kettler Sharp
Secretary

- b. Bill No. Z-95-11-17 - Change of Zone #601
From M-2 to RA
The east side of Bradbury Avenue, between St. Louis and
Commercial Road.

5. Public Hearing on a Primary Development Plan

Primary Development Plan for Bridgedale Terrace Apartments
located south of Alma Avenue and east of Bradbury Avenue.

Joe Bishop, engineer, representing Brigedale Terrace Apartments, appeared before the Commission. Mr. Bishop stated that the area that they are concerned with is an infill site. He stated that the area to the south and east is zoned M-2, as is a portion of the existing Bridgedale Terrace Apartments. Mr. Bishop stated that there are currently 284 units in the existing Brigedale Apartments. The owners built them no more than two buildings a year over the past thirty years. He stated that they are small affordable apartments, almost all one bedroom units. The entire area has a drainage problem, which this new development will be addressing. One of the problems with the drainage is that there is none along Alma Avenue. He stated that they are draining the property down into the Krill Drain. He stated that basically the Krill drain is ineffective at this time. He stated that at the city's request they are looking at a detention pond on site, part of it would act as a flooding resistant wooded area. The biggest problem they are facing there have been sanitary sewer problems that have been identified. He stated that Water Pollution Control stated that they have some problems with any extensions on the system. He stated that they have a resolution funded and plans are to next year build new sewers that will alleviate the problem. He stated that they are however asking that there be no new sewer extensions at this time. He stated that they understand that they would be looking for a conditional approval. He stated that it is consistent with the existing use. The zoning change from M2 to RA will make the area more urban. He stated that this is a very well maintained community and he felt that the additional structures would be an asset to the community.

Dave Ross questioned why they were changing the zoning from the M-2 to RA. He questioned if the M2 would not accommodate the multi-family development.

Wayne O'Brien stated that you are only allowed to build residential structures within 200 feet of existing residential uses. The eight acres would gradually exceed that 200 foot limitation.

Mel Smith questioned that since this is done in phases would the first phase include putting in the retention pond.

Mr. Bishop stated that it would include the detention pond at the time the first phase, which is two buildings, is built.

Ernest Evans stated that if the Krill Ditch is not relocated it looks as if two of the buildings would have to be built over the drain.

Mr. Bishop stated that they are looking at two different options. One is to relocate the drain in a configuration that would move it out of the line of the buildings and the other is to move it to the south of the property. He stated that which ever route they take, the Krill Ditch, up to where it enters the property, will be improved.

There was no one else present who spoke in favor of or in opposition to the proposed zoning and primary development plan.

FACT SHEET

Z-95-11-17

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE

Zoning Map Amendment

APPROVAL DEADLINE

REASON

From M2 to RA

DETAILS

Specific Location and/or Address

The east side of Bradbury Avenue, between St. Louis and Commercial Road.

Reason for Project

Expansion of Bridgedale Terrace Apartments

Discussion (Including relationship to other Council actions)

20 November 1995 - Public Hearing

See Attached Minutes of Meeting

27 November 1995 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the eight (8) members present, seven (7) voted in favor of the motion, the Chair did not vote. Motion Carried

Members Present: Linda Buskirk, Ernest Evans, James Hoch, Thomas Quirk, Dave Ross, Donald Schmidt, Mel Smith, Vicky VerPlanck

Member Absent: Carol Kettler Sharp

POSITIONS

RECOMMENDATIONS

Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Bernard Bridges City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
Board or Commission Recommendation	By <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or
Program
Change☐

No

☐

Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 19 October 1995

Projected Completion or Occupancy

Date 30 November 1995

Fact Sheet Prepared by

Date 30 November 1995

Patricia Biancaniello

Reviewed by

Date 4 December 1995

Reference or Case Number

#601

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 7600 Bradbury Avenue

2-95-11-17

EFFECT OF PASSAGE Property is currently zoned M-2 - General

Industrial. Property will be rezoned to RA - Residential District

"A".

EFFECT OF NON-PASSAGE Property will remain zoned M-2 - General

Industrial District.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE) _____
